

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION

STANLEY TURNER,	)	
	)	4:10CV00059
Plaintiff,	)	
	)	
v.	)	<b>ORDER</b>
	)	
COMMISSIONER OF	)	
SOCIAL SECURITY,	)	By: Jackson L. Kiser
	)	Senior United States District Judge
Defendant.	)	

Before me is the Report and Recommendation of the United States Magistrate Judge recommending that an Order be entered dismissing this case for failure to prosecute. Rep. and Recommendation, May 20, 2011, ECF No. 14. On March 23<sup>rd</sup>, 2011, the Commissioner filed an Answer to the Plaintiff's Complaint. Answer, Mar. 23, 2011, ECF No. 8. W.D.Va. Rule 4(c)(1) provides that, in a Social Security case, "[t]he plaintiff must file, within 30 days of service...a brief." The Plaintiff in this case did not do so, prompting the Magistrate Judge to issue an Order to Show Cause on May 2<sup>nd</sup>, 2011. Order to Show Cause, May 2, 2011, ECF No. 13. The Plaintiff never responded to that Order and never filed any kind of brief. On May 20<sup>th</sup>, 2011 the Magistrate Judge issued his Report and Recommendation. Because the Plaintiff has not filed an objection, I "must only satisfy [myself] that there is no clear error on the face of the record." Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (internal quotation marks and citing reference omitted). Finding none, I **ORDER** that the May 20<sup>th</sup> Report and Recommendation be **ADOPTED** in its entirety. This case is hereby **DISMISSED** for failure to prosecute.

Entered this 7<sup>th</sup> day of June, 2011.

s/Jackson L. Kiser  
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Senior United States District Judge